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**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:	§	Chapter 13
	§	
RUSSELL JOHN ORFE and TERRI S ORFE,	§	Case No. 18-17256-abl
	§	
Debtors.	§	Hearing Date: February 21, 2019
	§	Hearing Time: 1:30 PM
	§	

**OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN**

MTGLQ Investors, L.P. (the "Creditor"), by its attorneys, Weinstein & Riley, P.S., and hereby objects to the Chapter 13 Plan proposed by the Debtors RUSSELL JOHN ORFE and TERRI S ORFE (the "Debtors").

1. Debtors filed a petition for relief under Chapter 13 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code") on December 7, 2018. *See* Docket No. 1.

2. On July 21, 2005, Debtors borrowed the sum of \$239,200.00 from Republic Mortgage LLC (the "Original Lender") pursuant to a Note (the "Note"). A copy of the Note is attached as **Exhibit A**.

3. On July 21, 2005, Debtors executed a Deed of Trust (the "Deed") granting Mortgage Electronic Registration Systems, Inc., as nominee for the Original Lender, a security interest in real property located at 1604 Remembrance Hill Street, Las Vegas, NV 89144 (the

1 “Property”). The Deed was recorded on July 26, 2005, with the Clark County Recorder. A copy  
2 of the Deed is attached as **Exhibit B**.

3 4. On September 1, 2009, the Deed was assigned to Bank of America, N.A.,  
4 pursuant to a Corporate Assignment of Deed of Trust<sup>1</sup>. On July 11, 2003, the Deed was assigned  
5 to EverBank, pursuant to a Corporate Assignment of Deed of Trust. On June 11, 2014, the Deed  
6 was assigned to Green Tree Servicing LLC, pursuant to an Assignment of Deed of Trust Nevada.  
7 On November 7, 2018, the Deed was assigned to the Creditor, pursuant to an Assignment of  
8 Deed of Trust. Copies of the assignments are attached as **Exhibit C**.

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10 5. Creditor intends to file a secured proof of claim, with respect to the Property,  
11 before the deadline for filing claims. The pre-petition arrearage is approximately \$38,874.93.  
12 This amount will be corrected and finalized with the breakdown of the pre-petition arrearage  
13 provided under the secured proof of claim.

14  
15 6. On December 11, 2018, Debtors filed the Chapter 13 Plan (the “Plan”). *See*  
16 Docket No. 11. The Plan proposes to make ongoing monthly conduit payments of \$810.00 and  
17 cure pre-petition arrearage in the amount of \$35,914.00. *Id.*

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19 7. Creditor objects to confirmation of the Plan on the grounds that the Plan does not  
20 provide for the correct amount of pre-petition arrearage to cure the default on the secured claim  
21 pursuant to Section 1322(b)(5) of the United States Bankruptcy Code. The Plan should be  
22 amended to include the proper amount of pre-petition arrearage upon filing of the secured proof of  
23 claim.

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25 8. Accordingly, confirmation of the Plan should be denied because the Plan fails to  
26 provide for the proper amount of pre-petition arrearage to cure the default on the secured claim.

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<sup>1</sup> A Corrective Assignment of Deed of Trust was executed on September 27, 2018 to correct the assignment to Bank  
of America originally executed on September 1, 2009.

Dated: February 7, 2019

WEINSTEIN &amp; RILEY, P.S.

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify under penalty of perjury pursuant to 28 U.S.C. Sec. 1746 that on February 7, 2019, I electronically filed the foregoing Objection to Confirmation of Debtors' Chapter 13 Plan with the United States Bankruptcy Court for the District of Nevada by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system or were served through the United States Mail, postage prepaid, in envelopes addressed as follows:

Trustee via E-Filing

RICK A. YARNALL  
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Debtors via First-Class Mail

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/s/ Maggie Koo

Maggie Koo  
Legal Assistant for Charles L. Kennon, III,  
Attorney for Creditor